



## POSTPONED

**2. Petition for Variance of Developmental Standards for Shellie Criggley** for moving parents' mobile home to property, to care for them as they are elderly. This would be a second (2nd) dwelling for temporary use. The property is located at 773 W. 350 N., LaPorte, IN., Center Twp., zoned A on 2.752 acres. Parcel 46-06-13-100-055.000-042.

Attorney Biege stated notice is adequate.

Shellie Criggley stated her address is 773 W. 350 N., LaPorte, IN.

Melissa Mullins Mischke asked what she wants to do.

Shellie Criggley stated she wants to move her parents' mobile home from Weatherstone Village to her property to care for them. She has a document from their doctor documenting their condition.

*Document provided to the Board.*

Melissa Mullins Mischke asked what year the mobile home is that they currently have.

Shellie Criggley stated 2012.

Glen Minich asked where it is at currently.

Melissa Mullins Mischke stated Weatherstone in Michigan City.

Melissa Mullins Mischke asked how long she anticipates the mobile home might be located there?

Shellie Criggley stated she would love to tell them forever, but her dad is eighty-five (85) with dementia and her mom is eighty-one (81) and starting to forget things. She is the only one that can take her to Walmart and her dad doesn't leave the house very much anymore. When the time comes that they will no longer be with her, she will remove the mobile home. In all fairness, she cannot give them an exact date.

### **Remonstrators:**

Michael Polan stated his office has received two (2) letters of remonstrations against. One (1) is by a single individual and the other is signed by about seven homeowners.

Adam Koronka stated the file shows a rough sketch of the property with the mobile home in the rear of the property. When he reviewed the property last month, it was staked on the east side. Which one (1) is current? Is it going to be where it is staked right now or somewhere else?

Shellie Criggley stated it could be either or. It fits in the variance where he saw it, but if they told her to put it in the back, she would put it in the back. She would put it wherever she had to.

Melissa Mullins Mischke stated in regards to parking, would they park at her driveway and walk.

Shellie Criggley stated yes. They don't hardly drive their vehicle anymore.

Dwayne Hogan stated he understands. It's a tough situation to be in.

Shellie Criggley stated it is.

Melissa Mullins Mischke asked if she has any pictures of the mobile home.

Shellie Criggley stated no, but she can say it is very nice and on the newer side of Weatherstone Village. It's right across from the lake on the new side. It's very nice.

Dwayne Hogan asked if it will be moved and placed on a foundation?

Shellie Criggley stated yes.

Dwayne Hogan stated it will follow building commissioner's specs.

Shellie Criggley stated yes.

Melissa Mullins Mischke stated they will have to get a permit to move it.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Shellie Criggley for moving parents' mobile home to property for two (2) years renewable. Mobile home is to be placed in the rear of the property. The property is located at 773 W. 350 N., LaPorte, IN., Center Twp., zoned A on 2.752 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

**3. Petition for Variance of Developmental Standards for Jeff Nosich (Buyer) and Brett Carney (Seller) for purchasing two (2) parcels and building a home without two-hundred feet (200') of road frontage. Driveway will be off of cul-de-sac. The property is located north of 3927 N. Meritage Trail, LaPorte, IN., Center Twp., zoned R1B on 40.1 acres total. Parcels 46-06-08-300-006.000-042 & 46-06-08-300-002.000-042.**

Attorney Biege stated notice is adequate.

Jeff Nosich stated his address is 8330 Park View Ave., Munster, IN.

Melissa Mullins Mischke asked if he is looking to purchase the two (2) parcels, combine them into one (1), and put a residence on them.

Jeff Nosich stated that is correct, it will be one (1) single-family home.

Melissa Mullins Mischke asked if he has a drawing showing where he wants to place the home on the location.

Jeff Nosich stated he hasn't done any site analysis or design. It will be somewhere in the middle of the property. His goal is to preserve the views of the neighboring environment as well to keep the house centered.

Attorney Biege asked if the parcels are landlocked currently.

Melissa Mullins Mischke stated barely.

Jeff Nosich stated Meritage Trail would be the access to the property he is purchasing. The adjacent properties have access on 525 and 450.

Attorney Biege asked if the two (2) parcels can only be accessed through Meritage Trail.

Jeff Nosich stated that is correct.

Adam Koronka stated essentially there are two (2) culs-de-sac that come into it.

Attorney Biege stated there is law out there that states there is a strong public policy to eliminate landlocked lots in zoning.

Greg Szybala stated it looks like the land was proposed to be a part of an extension of the subdivision at some point in time and Meritage Trail does dead end right at the property. It's not necessarily landlocked.

Jeff Nosich stated he has a copy of the plat if the Board would like to see it.

Attorney Biege stated without the zoning variance, it is because it's not part of the subdivision so it doesn't have the two hundred feet (200') of road frontage. There are court of appeals opinions that say they do not want to create lots that are useless, they want to make them productive. It's not productive without the variance.

*Board looks over the plat.*

Jeff Nosich stated the plat he supplied shows Woods of Concord the subdivision as it's currently laid out. The two (2) parcels are not shown on the plat, but there was an agreement between the former developer of the Woods of Concord that there would be a cul-de-sac easement if and when the parcels were purchased and subdivided into a future second (2<sup>nd</sup>) phase of Woods of

Concord. He doesn't have any evidence of that on the plat. It has been vacated since the early 90's.

Dwayne Hogan asked Attorney Biege to clarify what he said.

Attorney Biege stated that without the variance, it is technically a landlocked lot. He agrees it was supposed to be another phase of the subdivision that didn't get developed. There is law in the case law that says that the zoning appeals wants to make land useful. There is bias in the law to grant this as there are currently two (2) useless pieces of property. Not useless, but if they can't get to it. It wasn't by his doing or anybody's doing, the subdivision just didn't develop for the next phase. There is law that says favor the request. That doesn't mean grant it, but favor.

Dwayne Hogan stated that's how he interpreted it. He was making sure he had the clarification correct.

Glen Minich asked if the road is in the County inventory.

Melissa Mullins Mischke stated Meritage Trail is.

**Remonstrators:**

Zach Krachinski stated his address is 5027 W Meritage Ct., LaPorte, IN. It is in Woods of Concord subdivision. He doesn't think the entire picture of what is going on here has been painted.

*Zach Krachinski provided aerial images of the area to the Board.*

The first drawing shows an area highlighted in pink is an easement of Meritage Trail. He owns four (4) lots in the subdivision and he owns two (2) of the four (4) that are adjacent to the property. He also owns the additional lots in the subdivision that are highlighted green. He is right where the easement is; that is where he lives. The person who owns the lots, Brett Carney, also owns the lots to the north of the property shown in the pink on the second (2<sup>nd</sup>) drawing that he could grant easements for them instead of them having to bear the burden of that through the subdivision. All of them in the subdivision have an average value home of four to six hundred thousand dollars (\$400,000 - \$600,000). They pay a lot in property taxes. They maintain everything really well. It doesn't seem right that someone would get to benefit from what they have put in for every year from all of their costs as opposed to him having to give an easement off of his own property that he already has. He is benefiting. Part of the reason that he has been opposed to this for the last four to five (4 - 5) years is because he gets to stare at an abandoned trailer and signs when he drives home every day. They are located in the property in question tonight, but not apart of the subdivision. Their covenants protect them and the subdivision helps establish their home values. Giving them an easement could result in chickens next door to him. There could be more trailers even. There is nothing to stop more of what is already there. Another matter is that where the cul-de-sac was initially. How are they going to finish where the cul-de-sac is to allow the easement? They can't just have a road all of a sudden stop and then transitions into a dirt road that leads back into something. The cul-de-sac should have to be

finished or something. Or the property could be subject to the covenants and restrictions of the subdivision. It seems like the first option should be that the seller should grant an easement through his other property.

Melissa Mullins Mischke stated with respect to the cul-de-sac that is not at the end of Meritage Trail, is he planning on putting in a driveway?

Jeff Nosich stated that is correct. He would transition it to a paved apron, probably gravel or asphalt, up to the residence. He would have to design that in accordance with County guidelines.

Melissa Mullins Mischke stated it definitely would not be plowed by the County or maintained. It would be on his property and strictly maintained by him.

Greg Szybala asked if Meritage Trail is a public right-of-way.

Michael Polan stated Meritage Trail is a public road, it just stops right at the edge of the property.

Melissa Mullins Mischke asked if the County maintains it.

Michael Polan stated he believes so. In regards to there being a semi-trailer there, it would be removed regardless because it is against code.

Jeff Nosich stated he has made that a condition of the sale that the seller has to remove that.

Melissa Mullins Mischke stated she would rather they do private land with a driveway rather than an easement. They will maintain their own access from Meritage Trail. It is a lot cleaner than a variance to the property from someone else through the current owner's other property. She would rather see a physical driveway like they had discussed than an easement.

Greg Szybala asked where the driveway would be from.

Melissa Mullins Mischke stated from Meritage Trail.

Greg Szybala stated that's what they are proposing.

Melissa Mullins Mischke stated that is correct.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Jeff Nosich (Buyer) and Brett Carney (Seller) for purchasing two (2) parcels and building a home without two-hundred feet (200') of road frontage. Driveway will be off of cul-de-sac. The property is located north of 3927 N. Meritage Trail, LaPorte, IN., Center Twp., zoned R1B on 40.1 acres total.

Dwayne Hogan seconded.

Approved. Motion carries 4-1.

**4. Petition for Variance of Use for Cecil Pryor III** for a residential assisted living with a maximum of four (4) residents. The property is located at 5493 N. Hwy 35, LaPorte, IN., Springfield Twp., zoned R1B on 1.15 acres. Parcel 46-06-06-276-005.000-062.

Attorney Biege stated notice is adequate.

Cecil Pryor III stated his address is 5493 N. Hwy 35, LaPorte, IN.

Gayle Davis stated her address is 150 Esther St., Michigan City, IN.

Melissa Mullins Mischke asked what the plans for the assisted living are.

Cecil Pryor III stated assisted living is taking the elderly and helping them with a system in life. There are ones that do not want to be in a commercial setting and would rather be in a residential setting. The State allows up to four (4) before you have to license your facility, but you still have to get the zoning for it. They can do up to four (4), they have three (3) lined up that he is aware of that would love to not be in a nursing home or assisted living facility. They would provide breakfast, lunch and dinner as well as snacks. They help them with their daily life. Some may need assistance to the restroom or not. Just as the elderly get older, they want to help them live their best life. They don't want to be in a commercial setting; they want to be in a home setting. That is what they are offering. They work with Medicaid, Department of Aging, State Health Department, and local government as well to provide them with the safety and resources to help them get through daily life.

Melissa Mullins Mischke asked if they would live there full time.

Cecil Pryor III stated yes. They would provide them aid. The medical part is decided on their own. Their loved ones would still decide what doctors they go to or the appointments. The family sets all that up.

Melissa Mullins Mischke asked if they would provide transportation to and from appointments or would the family provide that.

Cecil Pryor III stated he will set it up to provide, but he will leave it up to the family's first. If they would like them to do that, then they will be able to do that. He has a transportation company that he knows very well that does medical transportation. They will also provide recreation, tv room, game room, etc.

Glen Minich asked if the residents will have visitors. They don't have a lot of parking spots.

Cecil Pryor III stated it would really just be their loved ones visiting. With three (3) people, it's not going to be somebody to come to see them everyday and if it was, they are still talking about three (3) people and that would be it.

No remonstrators present.

Melissa Mullins Mischke asked how they determine how to select the individuals that are going to stay there. She asks because in the photos provided there is some exercise equipment, which she thinks is wonderful, but there are also rugs on the floor. Her experience with group homes more than assisted living per se for elderly people is that there are a lot of items that might not be conducive to someone who has mobility issues or things of that nature.

Cecil Pryor III stated she is correct and all that would be removed as they don't want to have a tripping hazard. The same thing happened with his mother when she was in assisted living. They were made to remove the rugs they put in. They would all come out. To select them, they would need to meet that level of assistance necessary. For example, his mother needs reminded to take her medications, when to eat her food, but she can shower and use the restroom on her own. She needs help with things we take for granted that she needs help with.

Melissa Mullins Mischke stated there's a point where someone might need more assistance than they are able to provide.

Cecil Pryor III stated yes. They would not do that at all.

Attorney Biege stated he is passing to the Board a section of the Zoning Ordinance that applies to senior assisted living. There is a list of requirements. If they grant the variance, they are granting a variance from the list of requirements in that code section.

Adam Koronka stated if it's zoned R1D, that is where it is granted special exception. It is not called out for R1B which is the case of this petition. Is that between the four (4) subsections of 14.08 C that he just provided and is that what they are basing it on.

Attorney Biege stated yes. They are not really concerned with how it is zoned, it's more or less what the requirements are in the code and they're pretty extensive.

Melissa Mullins Mischke stated it is definitely inclusive.

*Board deliberates amongst themselves.*

Melissa Mullins Mischke asked Attorney Biege if it would be appropriate for them to make a copy of the code to provide to the petitioner.

Attorney Biege stated yes.

Melissa Mullins Mischke stated they may want to table before they make a vote this evening.

Attorney Biege stated they certainly could do that. They may not be aware of it. Did they have a chance to look at that section of the zoning code?

Cecil Pryor III stated no.

Dwayne Hogan stated there is a lot there.

Attorney Biege stated they may want to table their petition so they can see what the requirements are. The County has requirements too in addition to the State. He may want to amend or alter his request after he reviews the code. If they don't table it, they might deny it. If he tables it, he can look at the code and see if he wants to tweak what he is asking for.

Cecil Pryor III stated he understands.

Attorney Biege stated he can look it over and decide what he wants to do from there. Otherwise, they are not only asking for the four (4) unit, but also asking them to waive all the requirements and that's an awful lot. He may not want to do that so maybe regroup after he looks over the code. He suggests he request the Board to table.

*Board deliberates amongst themselves.*

Attorney Biege stated the Petitioner is not aware of all the requirements at the County level. He checked with the State, but not the County. He recommends they table to give him an opportunity to review the information to see if he wants to modify his request in any way.

Melissa Mullins Mischke stated she agrees with that. How does he feel about that?

Cecil Pryor III stated he agrees with that. What does it state is out there so he can know?

Melissa Mullins Mischke stated they are going to provide a copy of the information. Attorney Biege also indicated that if they vote no tonight then it will be at least six (6) months before they can petition again with the same petition. It would be wise to table him to give him an opportunity to review the information and decide if he wants to modify his request to meet those requirements and decide how to proceed.

Dwayne Hogan stated he may want to meet with counsel.

Cecil Pryor asked who he can talk to if he has question.

Attorney Biege stated he should get a private lawyer. They know how to present things to the Board. This request is tricky. A lot of people will hire a private attorney to represent them to the Board.

Dwayne Hogan made a motion to table the Petition for Variance of Use for Cecil Pryor III for a residential assisted living with a maximum of four (4) residents. The property is located at 5493 N. Hwy 35, LaPorte, IN., Springfield Twp., zoned R1B on 1.15 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0

**5. Petition for Variance of Use for Abraham Aboma** for conducting a trucking business, with a pole barn, for the storing the trucks and an office building. The property is located north of 5301 N. 600 W., Michigan City, IN., Springfield Twp., zoned R1B on 4.514 acres. Parcel 46-06-06-302-002.000-062.

Attorney Biege stated notice is inadequate.

*Petition will be postponed until the December meeting.*

**6. Petition for Variance of Developmental Standards for Shari Nowatzke** for placement of self-contained tiny homes with two (2) now and up to the maximum of five (5) tiny homes. The property is located west of 9655 W. 200 N., Michigan City, IN., Coolspring Twp., zoned R1A on 7.34 acres. Parcel 46-05-21-376-013.000-046.

Attorney Biege stated on notice the publication is adequate. They are missing two green cards on Hundt and Cecilla Foldenauer Life Estate, however he was provided with the adequate number of receipts, but he cannot verify that those green cards went to those people. The Board has waived that requirement in the past showing an attempt. Secondly, as the Plan Commission and BZA Attorney he does not think this is a variance request. He thinks this is an end run around a subdivision request. He thinks it is properly heard before the Plan Commission and not the BZA.

Melissa Mullins Mischke stated she agrees with him on that.

Dwayne Hogan stated on initial appearance it should be heard by the Plan Commission to see what they want to do with it.

Attorney Biege agreed. Before a subdivision goes to Plan Commission there is an initial petition, but then it goes through a fairly detailed process.

Shari Nowatzke stated it isn't a subdivision.

Attorney Biege stated he is talking. It goes through plat committee, roads are inspected, there are requirements when they put in multiple houses in anywhere.

Melissa Mullins Mischke stated for sewer, septic, etc.

Shari Nowatzke stated it is a camper RV. It's mobile. You take it camping. It's not stationary. They're not leaving it there always.

Attorney Biege asked what she is asking for then.

Shari Nowatzke stated she doesn't know; she is just doing what she was told to do.

Melissa Mullins Mischke stated that's even more reason not to hear the petition.

Dwayne Hogan stated she get counsel to put it together and tell them a story.

Attorney Biege stated what she just described sounds like a campground to him. If it's a campground, it requires a variance for a campground.

Shari Nowatzke stated no. She has one (1) and her daughter-in-law and son have one (1) right now and that's all they have right now. It's just for their personal use.

Attorney Biege asked if there is a house associated with this.

Shari Nowatzke stated no.

Attorney Biege stated she needs to get a lawyer because you can't just live in a camper in this county.

Shari Nowatzke stated ok, but they're not living in them.

Melissa Mullins Mischke stated that is why she needs to get an attorney to help her present this.

Attorney Biege stated what she is asking for it does not fit in to any category and it has to.

Shari Nowatzke asked about if she was to have an RV.

Attorney Biege stated she can't have it.

Shari Nowatzke stated she can't have an RV on her property.

Attorney Biege stated not on vacant land. She can store an RV near their house under certain conditions.

Shari Nowatzke stated she does not have a home in LaPorte County.

Attorney Biege stated she can't live in an RV on a parcel of real estate. No. Absolutely not.

Shari Nowatzke stated she isn't living in it.

Attorney Biege stated the Board has his recommendation.

Melissa Mullins Mischke stated they are inclined to table the petition until December. Does she think she needs longer than one (1) month to consult an attorney and come back?

Shari Nowatzke stated she did consult an attorney and he told her she didn't need one.

Melissa Mullins Mischke stated she might want to consult a different attorney.

Greg Szybala stated it may not be clearly defined what she is intending. Without that clear definition, the Board doesn't know what they are doing here.

Melissa Mullins Mischke stated she doesn't understand it based on what she has said and what she has read in the Petition. She is not sure what she is asking for either.

Dwayne Hogan stated it doesn't match what she said and what is written on the Petition.

*Shari Nowatzke began to explain the situation.*

Melissa Mullins Mischke stated they are not hearing anything specific to it. Is a month enough time?

Shari Nowatzke stated yes.

Adam Koronka made a motion to table the Petition for Variance of Developmental Standards for Shari Nowatzke for placement of self-contained tiny homes with two (2) now and up to the maximum of five (5) tiny homes. The property is located west of 9655 W. 200 N., Michigan City, IN., Coolspring Twp., zoned R1A on 7.34 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

**7. Petition for Variance of Developmental Standards for John Schultz** for removing mobile home, replacing with a modular home, as a second (2nd) dwelling and building a new home as a primary dwelling (Amended from 9/21/21 meeting) to be done within two (2) years. The property is located at 5045 N. 325 W., LaPorte, IN., Springfield Twp., zoned R1B on 1.096 acres. Parcel 46-06-04-476-003.000-062.

Attorney Biege stated notice is adequate.

John Schultz stated his address is 433 Firefly Dr., Trail Creek, IN.

Melissa Mullins Mischke stated they already approved him. Now he wants to take out the mobile home, get rid of it, and put in a modular.

John Schultz stated yes, within the two years. They just wanted to make sure they were going to have all their I's dotted and T's crossed.

Melissa Mullins Mischke asked if his wife got the laundry room.

Mrs. Schultz stated yes.

Melissa Mullins Mischke stated very good. Good man. She thought about that a lot.

John Schultz stated he got his exquisite kitchen coming.

Melissa Mullins Mischke stated that's a very good compromise then. What size will the modular home be?

John Schultz stated twenty-seven feet by fifty-six feet (27' x 56') which on the drawing won't take much more real estate than the mobile home that is on there. The reason they came back to get their I's dotted and T's crossed was because he wanted to start getting soil samples, a plot survey, and all the other steps they have to take. So, they stopped here and make sure everything was cool before moving forward.

Melissa Mullins Mischke stated they certainly appreciate that.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for John Schultz for removing mobile home, replacing with a modular home, as a second (2nd) dwelling and building a new home as a primary dwelling (Amended from 9/21/21 meeting) to be done within two (2) years. The property is located at 5045 N. 325 W., LaPorte, IN., Springfield Twp., zoned R1B on 1.096 acres.

Greg Szybala seconded.

All Approved. Motion carries 5-0.

**8. Petition for Special Exception for Sunbreak Entertainment Corp. (Owners Hang Chen, Yan Gao, and Zhong Chen)** for installing and operating an outdoor shooting range. The property is located across from 6961 Central Road (KIP), Kingsbury, IN., Washington Twp., zoned M2 on 38.507 acres. Parcel 46-15-09-100-004.000-066.

Attorney Biege stated notice is adequate.

Zhong Chen stated his address is 21964 S. Kings Ct., Chicago, IL.

Hang Chen stated his address is 3221 W. 61<sup>st</sup> St., Chicago, IL.

Yang Gao stated his address is 239 W. 18<sup>th</sup> St., Apt. 1B, Chicago, IL.

Melissa Mullins Mischke stated let's talk about the shooting range. Tell them about what their plan is.

Zhong Chen stated they will be primarily building a training facility for people interested in learning firearms and also, recreational activities such as how to hunt and how to use firearms in their facility.

Melissa Mullins Mischke asked if they will offer hunter safety and gun safety.

Zhong Chen stated exactly. Range safety.

Melissa Mullins Mischke stated she did see in the packet provided that they have certified NRA Instructors, Range Safety Officers. Those certifications were included. Can they elaborate on what a certified refuse to be a victim is?

Zhong Chen stated they have this program to educate civilians on how not get involved in dangerous situations. For example: if you happen to be walking out on a street alone at night, why not bring a coworker or colleague leaving a parking lot.

Melissa Mullins Mischke stated it's not necessarily a firearm related course.

Zhong Chen stated no. It is how to stay safe without a firearm. It's to learn how to develop a safety mindset.

Adam Koronka stated the site plan shows three (3) different areas marked out with at least one (1) of them being labeled as having a twelve-foot (12') berm around the location of a three-hundred-yard (300yd) range with ten (10) lanes on the northwest corner of the plot. Are they all designated as high-powered rifles?

Zhong Chen stated that is for rifles.

Adam Koronka asked about the two (2) at the southeast corner.

Zhong Chen stated one (1) is pistol training. The other is for law enforcement training.

Adam Koronka asked if they will have a similar berm.

Zhong Chen stated twelve feet (12') tall.

Adam Koronka stated they are looking at local ordinance, but what guidelines are they working towards to ensure the safety of their adjoining neighbors. Who provides those regulations?

Hang Chen stated they currently follow the NRA guidelines. They seek to follow any additional State or County guidelines.

*Board deliberates amongst themselves.*

**Remonstrators:**

David Ambers stated his office is at 601 State St. Ste. B, LaPorte, IN. He is representing LaPorte Lake Development Inc. They own approximately eighty (80) acres directly north of this property. They have several objections to this project. The first of which being that the Petitioners are not the owners of the property and the owner of the property has not executed the Petition. The entity that owns the property is an Illinois LLC and none of the Petitioners from the records provided show as an officer of that LLC. Therefore, the Petition is proper given the fact that the owner of the property is not joined in on the Petition. Secondly, with regard to the site

plan that was submitted, there were the two (2) areas of fifty yards (50yd) that will have twelve-foot (12') berms. When they shut down a range in Wanatah years ago, that berm was much higher with woods behind it. Now, they're looking at a twelve-foot (12') berm next to a roadway. There is a definite danger there of an errant bullet crossing that roadway. A hunter can't shoot across a roadway. They certainly don't want people at the shooting range shooting across the roadway. Why wasn't it placed further to the west or adjacent to the three-hundred yards (300yd) he does not know. In addition, that area is very ripe for commercial development. His client has been contacted many times. Tony Rodriguez is pushing his client's property very hard. Eventually, it will become some form of industrial development. Will it be if somebody from a large out of state corporation comes to look at it and they have World War III going on out there or something similar to what they had in Wanatah with too much rifle training. They may not want to take that risk and the County might lose a major employer. If they look at the criteria under section 24.05 of the Ordinance, they have not presented any information of how they will not be injurious to the public health, safety, which the berm by the roadway kicks out that one (1), and general welfare of the community. They have not addressed whatsoever how the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood. More in that same paragraph states the establishment of the special exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Hazard - which they can certainly meet, which they have not other than the twelve-foot berm, he didn't hear anything else in regard to hazards. The special exception shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke which they wouldn't have to worry about, possibly odor, fumes or glare. The one (1) in Wanatah had noise that traveled quite a bit. Public Facilities and Services he believes would be adequate, but they have to meet all of them. They have to give them evidence with regard to all of them and they have failed to present any evidence on Subsections a, b, c, let alone the fact that the Petitioner isn't the owner of that property that was recently transferred to the LLC which he has provided information for. On behalf of his client, he asks that they deny the Special Exception. They're certainly close to the right area with the free-range right down the road, but that is a much more isolated area and that had to be remodeled several years ago from bullets leaving that range and hitting industrial building close to this area. They would be putting themselves going backwards if they hold these people to less of a standard than what the State of Indiana has upheld in the KOP with that quality range. There isn't anything presented that suggests it will be the quality and caliber of what they have at KOP. They respectfully request that they deny the Petition.

Earl Miller stated he is an employee of Hiler Industries. Their corporate address is 118 Koomler Drive, but their Kingsbury Castings address is 3232 3<sup>rd</sup> Line Rd., Kingsbury, IN. They are on the property that is northeast of the property being presented. He is not here to oppose what they are doing; he only wants to ask questions and ask for more clarification to make sure all of their concerns are being addressed. First and foremost, they wanted to ask about safety which they addressed. They appreciate that safety was being thought about with the other man that had spoken. He is not sure what the proper height is to prevent bullets and fragments from leaving the property, but if a plan can be made to come up with something then they would be fine with

that as they need to protect their employee. They can't be putting anybody that works for them in danger. Sound is a concern. They don't know how much the sound would transfer. They are also a loud industry as well so he doesn't want to be the pot calling the kettle black on that, but sudden quick acute sounds can startle people. If the berm were high enough that would probably be addressed as well, but they want to make sure that would be addressed. The address is listed as Central Road. How are their clientele getting to the property? There is no public access to Central Road.

Melissa Mullins Mischke stated it looks like it's off of 3<sup>rd</sup> Line Road.

Earl Miller stated they could go 1<sup>st</sup> Line, 2<sup>nd</sup> Line, or 3<sup>rd</sup> Line. They're on 3<sup>rd</sup> Line Road. They are one (1) of the few owners of land out there. It is a private road; it is not a public road. They are one of the few entities out there that put money back into the road. Plowing has to happen and road repairs. Unfortunately, a pipeline company came out and land was leased to them and it was fighting tooth and nail to get them to do anything to repair the road and it is still damaged on the sides from that. They help to pay for that. How are they getting to there and if it is 3<sup>rd</sup> Line Road, are they willing to participate in those kinds of costs? What are the hours of operation? They are a twenty-four (24) hour operation Sunday evening through Saturday mornings, but there are times that they are not there and they are not gated. They have an alarm, but they don't want to be an attractive nuisance. They're not objections, but just questions. Lastly, they also looked at potentially purchasing the property, but didn't because it had a wetland on it. There's also a lot of utilities that have easements that they can't put berms around. The main waterline runs to east from the tower; he's not sure if it continues to the west. They are most concerned about the berms that would be placed on the northeast corner.

Melissa Mullins Mischke stated she will provide him with the drawing that they have provided to them and he can take it with him. It is proposed. It certainly has not been accepted, but it can give him an idea of where the lanes are being proposed. He will notice it is also not within the wetland area.

Joseph Smith stated his address is 1078 S. 300 E., LaPorte, IN. He is there representing Prairie Packaging which is owned by Acid Products located 7277 S. 2<sup>nd</sup> Line Rd., Kingsbury, IN. Their owners basically own the property from 2<sup>nd</sup> Line to 3<sup>rd</sup> Line Road. They are opposed to the Petition because they do not know the safety protocols. Their biggest concern is that they are a DHS Facility. They are gated, fenced, and have a guard there twenty-four-seven-three-hundred and sixty-five (24/7/365). They have flammable materials on the property. There are corrosive materials on the property. Workers are there six (6) days a week from four (4) in the morning to five (5) in the afternoon. Their biggest concern is safety.

Dwayne Hogan stated absolutely.

Melissa Mullins Mischke stated she agreed.

Joseph Smith stated if a stray bullet got one of their tanks, who would be responsible for the EPA and IDEM bill for a four-thousand (4,000) gallon tank of sulfuric acid spilling out.

Melissa Mullins Mischke stated not to mention the potential loss of life.

Attorney Biege stated as a certified combat rifleman and pistol instructor he has to say something. He is going to suggest the Plan Commission amend the zoning code. There are specific standards and specifications for firing ranges and restrictions on what type of weapons you can use. Just saying they are going to throw up a twelve-foot (12') berm isn't going to cut it. The Board can require an expert of plan that conforms with requirements of a certain agency and different agencies have different requirements. The Board can also require an expert's opinion on the safety or viability of the plan. Eventually, they should have that in the zoning code. He wanted to make those comments. The range design is directly related to the type of weapons used. They don't have any of the information.

Melissa Mullins Mischke stated the Board all has that opinion that they don't have enough safety information.

Adam Koronka stated just looking while sitting there and talking about the NRA, even the Department of Energy has a standard. He isn't sure how new it is, but as far as 2012 he didn't see an extensive document that explained what it should be and they don't have any of that in front of them.

Melissa Mullins Mischke stated they mentioned NRA guideline.

Adam Koronka stated yes.

Dwayne Hogan stated he agrees with Attorney Biege and they should get an expert of witness to tell them how to do it with regards to safety concerns. They've heard what the constituents that are around them, the adjacent business owners, said.

Attorney Biege stated the Board can require a design and a certification to verify the design is adequate for the proposed use.

Dwayne Hogan stated there are restrictions to the design as Attorney Biege alluded to.

Attorney Biege stated yes. NRA has guidelines on muzzle velocity, distance, and what can be used. All those are appropriate if they're going to talk about a shooting range.

Melissa Mullins Mischke asked if Attorney Biege has any comment on the property owner issue.

Attorney Biege stated the Petitioner should be the property owner. At least a joint Petition.

Melissa Mullins Mischke stated she wants to table anyway until they can get clarification on why the owner is not on the Petition with them.

Attorney Biege stated if they have a Petitioner that is not a property owner, it is jurisdictional. If the Board denies, then the correct Petitioner can refile any time. If they table it, the Petition will need to be amended and re-noticed.

Dwayne Hogan stated exactly because the scope has changed.

Melissa Mullins Mischke asked if that's what they are doing though.

Dwayne Hogan stated he doesn't think they would get it done in thirty (30) days either.

Melissa Mullins Mischke stated she doesn't think so either.

Adam Koronka stated if they deny it, and changes the petitioner, even though it's a joint petition, they can come back.

Attorney Biege stated they can still apply. The six (6) month limit doesn't apply.

Adam Koronka made a motion to deny the Petition for Special Exception for Sunbreak Entertainment Corp. (Owners Hang Chen, Yan Gao, and Zhong Chen) for installing and operating an outdoor shooting range. The property is located across from 6961 Central Road (KIP), Kingsbury, IN., Washington Twp., zoned M2 on 38.507 acres. There is a lack of a plan and some consideration to property owners.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated they may come back before the Board with a better plan with the safety design. They heard some of the comments about safety especially and with the property owner as a petitioner as well.

Melissa Mullins Mischke asked if there is any further business before the Board this evening.

Greg Szybala asked if he can bring up tiny homes.

Melissa Mullins Mischke stated no.

Wayne Novak stated his address is 9627 W. 200 N., Michigan City, IN. He was wondering if the Shari Nowatzke petition tabled to next month had any written remonstrance sent in.

Melissa Mullins Mischke stated they were not able to listen to any presentation of hers.

Wayne Novak stated they can't offer that.

Dwayne Hogan and Adam Koronka stated no.

Wayne Novak stated he knew there was going to be one (1); he just wanted to make sure it was emailed. Thank you.

Greg Szybala asked Melissa Mullins Mischke why no.

Melissa Mullins Mischke stated she thought that was a discussion they were handing over to the Plan Commission.

Greg Szybala stated that is what he would like to bring up on the record so everybody is aware of it. That way they can have it addressed and have it brought forth so they can get into the 21<sup>st</sup> century with tiny homes.

Melissa Mullins Mischke stated so they can get on with HGTV. It's on the record.

Adam Koronka asked what he's got. She gave the go ahead.

Greg Szybala stated that's essentially it. He would like to see it addressed at the County level.

Ashley Kazmucha stated it needs brought up at the Plan Commission.

Attorney Biege stated he would rather have a member bring it up and propose they study and move forward at the meeting. It's a lot cleaner that way.

Greg Szybala stated he just wanted to bring it up at the BZA so that it can be pushed forward and be addressed.

Adam Koronka stated as a representative from the BZA to the Plan Commission, he will bring it up.

Attorney Biege stated when it gets to the Plan Commission, he is going to suggest that they appoint a committee because it is a very difficult area to create zoning requirements in.

Dwayne Hogan stated it is so open on both ends.

Attorney Biege stated he understands it's out there and it's all over the place, but the Plan Commission will really need to study this one.

Adam Koronka stated if they look on the internet there are companies making tiny homes out of storage containers. Two sore spots.

Attorney Biege stated they still haven't tackled storage containers in this County either.

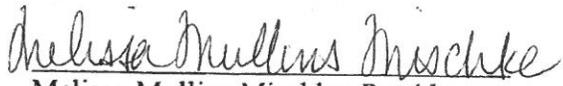
Melissa Mullins Mischke stated they should ask Adam Koronka to bring that up under new business as well.

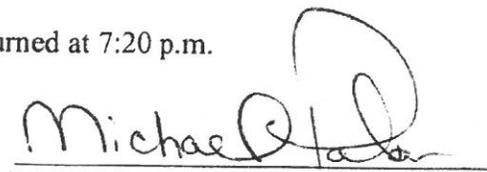
Adam Koronka asked if he should bring shooting ranges with him as well.

Attorney Biege stated sure, he's got nothing else to do this next week.

Melissa Mullins Mischke stated so shooting ranges, tiny homes, and storage containers.

There being no further business, meeting adjourned at 7:20 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary